

**From:** Brent Johnson  
**To:** Scott Hennessy  
**Date:** 3/27/00 4:33PM  
**Subject:** Re: Trust

This might be a difficult issue. In order to send the money to unclaimed property, the money must have first been "payable" to someone. There must be a triggering event and then a person has one year from that event. If there hasn't been movement in a case, we probably need to do an OSC, which the clerks can do. We might be able to send the property over after that, with the caveat that it must be held for a year before it is truly "unclaimed."

>>> Scott Hennessy 03/22/00 01:05PM >>>

Brent, Salt Lake is trying hard to clean out all trust which is being held on "inactive" cases. We have tons of money sitting in cases which for some reason or another have not seen action for years. For example, a case may have a bond posted and all of a sudden litigation ceased. We cannot find the litigents, attys etc. Maybe they settled it on the side, died, or whatever.

Anyway, we cannot get judges to even look at these things and we're talking about over a half of a million dollars just sitting around in "dead" cases. We need to get this money to unclaimed property and want to do it as soon as possible - before the next audit. And I'm sure we are not the only court in this situation.

Are there any timeframes or procedures we should be following prior to sending this money to unclaimed property and can we send it up there without individual orders, case by case, from judges, who we can't get to review and/or make an order on?

I guess what we'd like to do is move money posted in any case which has not seen any action, for say a year, to unclaimed property and if someone comes back to pursue the case or retrieve money, they (or we) can get it back from the Treasurer.

This takes on more importance right now as we have received information from the Division of Unclaimed Property telling us to basically get our act in order and get unclaimed money to them.

Can you give us some guidance, please?

Thanks,

Scott